

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CASE NO. 7:20-CV-034
	§	
44.697 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN HIDALGO	§	
COUNTY,	§	
STATE OF TEXAS; AND FORTCO	§	
PROPERTIES, LTD.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT FORTCO PROPERTIES, LTD.'S AND KRENMUELLER FARMS'S
INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

Pursuant to F.R.C.P. 26(a)(1), the following disclosures are based on the information available at this time to Defendant FORTCO PROPERTIES, LTD. and KRENMUELLER FARMS, hereinafter referred to collectively as Defendant Fortco. Defendant Fortco reserves all rights to object to disclosure of information or tangible things protected by any applicable privilege or immunity from discovery, or otherwise subject to any objection to disclosure. Defendant Fortco reserves the right to rely on testimony from persons and/or information other than or in addition to that identified in this initial disclosure depending on matters actually in dispute and further discovery. Defendant Fortco reserves further the right to supplement these disclosures at a later date in accordance with the applicable rules of civil procedure and as more information becomes available relating to the issues in this case.

I. DISCLOSURES

A. Rule 26(a)(1)(A): The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

1. Estate of Bert Forthuber
Gertrude Forthuber
Elizabeth Forthuber Cofoid
Steve Cofoid and Elizabeth Forthuber Cofoid
Trevor Cofoid, Philip Cofoid, and Hunter Cofoid Investment Trust 2007
2013 Cofoid Children's Trust
Marcus Forthuber
Courtney Forthuber
Frederick G. Forthuber and Sarah E. Forthuber Investment Trust 2007
Fortco Properties, Ltd.
409 E. Military Hwy
San Juan, Texas 78589
956-787-2272

They have knowledge of the subject property and other properties in the area of the subject, together with potential compensation, damages, other relevant information concerning the property and these proceedings including market data and uses of property in the area.

2. Marcus Forthuber
Courtney Forthuber
Steve Cofoid
Krenmueller Farms
409 E. Military Hwy
San Juan, Texas 78589
956-787-2272

They have knowledge of the subject property and other properties in the area of the subject, together with potential compensation, damages, other relevant information concerning the property and these proceedings including market data and uses of property in the area.

3. Frank Schuster
c/o Frank Schuster Farms, Inc.
2200 Trophy Drive
McAllen, Texas
956-802-8461
956-605-2760

He has knowledge of the facts and circumstance set forth in the Complaint, Declaration of Taking, and Answer and pleadings on file herein, together with the

subject property, its history, uses, operation, value, ownership, compensation, damages, and other relevant information concerning the property and these proceedings. He has knowledge of comparable sales and uses of property in the area.

4. Rebecca S. Jones
S. Foss Jones
c/o Frank Schuster Farms, Inc.
2200 Trophy Drive
McAllen, Texas
956-802-8461
956-605-2760

They have knowledge of the facts and circumstance set forth in the Complaint, Declaration of Taking, and Answer and pleadings on file herein, together with the subject property, its history, uses, operation, value, ownership, compensation, damages, and other relevant information concerning the property and these proceedings. They have knowledge of comparable sales and uses of property in the area.

5. Loren Flossman
Wall Program Portfolio Manager
Border Wall Program Manager Officer
US Border Patrol
1300 Pennsylvania Avenue NW
Washington DC 20229
202-604-1202

He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.

6. Sandra Riggs
Chief, McAllen Real Estate Office
U.S. Army Corp. of Engineers
Ft. Worth District
819 Taylor St.
Fort Worth, Texas
817-751-9253

She has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.

7. Richard Freeman
Realty Specialist
U.S. Army Corp. of Engineers

Ft. Worth District
819 Taylor St.
Fort Worth, Texas
817-886-1306

He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.

8. James Railey
United States Customs and Border Protection
3300 S. Expressway 77/83
Brownsville, Texas 78521
956-250-6031
956-289-5761
He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.
9. Jason Montemayor
United States Customs and Border Protection
3300 S. Expressway 77/83
Brownsville, Texas 78521
956-250-6031
956-289-5761
He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.
10. Paul Enriquez
United States Customs and Border Protection
3300 S. Expressway 77/83
Brownsville, Texas 78521
956-250-6031
956-289-5761
He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.
11. Hector Garcia
United States Customs and Border Protection
3300 S. Expressway 77/83
Brownsville, Texas 78521

956-250-6031

956-289-5761

He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.

12. David Tirador

United States Customs and Border Protection

3300 S. Expressway 77/83

Brownsville, Texas 78521

956-250-6031

956-289-5761

He has knowledge regarding building, construction, planning, and development issues in the area of the property, the border barrier, and the border in general, together with knowledge of the border barrier project, flood plain matters, and other relevant issues relative to valuation, compensation, and damages.

All person identified in Initial Disclosures, Answers to Interrogatories, or Supplementation thereto, by any party to this action during the course of discovery as a witness, trial witness, expert, person with knowledge of relevant or material facts, or someone necessary for purposes of foundation, authentication, impeachment or rebuttal. Any person identified or mentioned in any documents produced in discovery by the parties in this action.

Any person identified by any other party hereto in their Initial Disclosures or Supplemental Disclosures.

Any person deposed in this action.

B. Rule 26(a)(1)(B): A copy of, or a description by category and location of all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

1. Documents regarding the history, acquisition, use, current and potential use, ownership, and value, of the property (Defendant and Plaintiff);
2. All appraisals, documents relative to the value of the property in question (Defendant and Plaintiff);
3. Documents regarding the sales history, lease history, or income/revenue generation of the subject property (Defendant);

4. Documents regarding the reasonable compensation and damages to be awarded in this case for the Plaintiff's taking of Defendant's property (Plaintiff and Defendant);
5. All documents regarding any negotiations to purchase or obtain the property in question involving the Plaintiff and Defendant (Plaintiff and Defendant);
6. All documents regarding the highest and best use of the property in question (Plaintiff and Defendant);
7. All documents regarding the dimensions, description, and location of the property in question, the part taken, access to the part taken, the parent tract, and the remainder (Plaintiff and Defendant);
8. Photographs, maps, sketches, drawings, descriptions, and renderings of the property in question; and
9. All documents regarding or constituting hydrology studies, drainage, erosion prevention or control, or flood control measures planned, recommended, or to be implemented relative to the property and the infrastructure in question (Plaintiff and Defendant).

C. Rule 26(a)(1)(C): A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which the computation is based, including the materials bearing on the nature and extent of injuries suffered.

Please see the Expert Designation and Expert Reports to be produced in accordance with the Court's Scheduling Order and the agreement of the parties, together with all Supplementation thereto

D. Rule 26(a)(1)(D): For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or any part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

Respectfully submitted,

BARRON, ADLER, CLOUGH & ODDO, L.L.P.
808 Nueces Street
Austin, Texas 78701
Ph: (512) 478-4995
Fax: (512) 478-6022

By: /s/ Roy R. Brandys
Roy R. Brandys
Attorney-in-Charge
Texas Bar Number 02883550
Southern District of Texas No. 31963
brandys@barronadler.com
Nicholas P. Laurent
Texas Bar Number 24065591
Southern District of Texas No. 1090833
laurent@barronadler.com

ATTORNEYS FOR DEFENDANTS,
FORTCO PROPERTIES, LTD. AND
KRENMUELLER FARMS

CERTIFICATE OF SERVICE

I, Roy R. Brandys, Attorney for Defendant Fortco Properties, Ltd., hereby certifies that on June 11, 2020, I served the foregoing via email to all counsel of record.

By: /s/ Roy R. Brandys
Roy R. Brandys